

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOEL RIVERA,

No. C 10-01050 WHA

Plaintiff,

v.

ORDER DISMISSING CASE

WELLS FARGO BANK, N.A., AS TRUSTEE
UNDER POOLING AND SERVICING
AGREEMENT DATED AS OF NOVEMBER
1, 2004, ASSET-BACKED PASS-THROUGH
CERTIFICATES SERIES 2004 WHQ2,
BARCLAYS CAPITAL REAL ESTATE d/b/a
HOMEQ SERVICING CORPORATION,
OLD REPUBLIC DEFAULT
MANAGEMENT SERVICES, ARGENT
MORTGAGE COMPANY, LLC, THE HOME
LOAN GROUP, and DOES 1–100, Inclusive.


Defendants.

Defendants Wells Fargo Bank, N.A., as trustee under pooling and servicing agreement dated as of November 1, 2004, asset-backed pass-through certificates series 2004 WHQ2, and Barclays Capital Real Estate d/b/a Homeq Servicing Corporation, filed a motion to dismiss plaintiff's complaint. Pursuant to Civil Local Rule 7-3, any brief in opposition to the motion was due on April 8, 2010, but no such opposition has been received. Plaintiff was ordered to respond by April 14, 2010, and show cause for his failure to respond to the motion in accordance with Civil Local Rule 7-3(a) or alternately to file a statement of nonopposition to the motion as required by Civil Local Rule 7-3(b). Yet again, the deadline has passed and plaintiff has not provided a response.

1 As described, plaintiff has repeatedly failed to respond in a timely fashion. Due to
2 plaintiff's failure to prosecute, this action will be **DISMISSED WITHOUT LEAVE TO AMEND**.
3 Judgment shall be entered.

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5 **IT IS SO ORDERED.**

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7 Dated: April 19, 2010.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE